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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 BARBARA PERRY,
15
16 Plaintiff,

17 vs.

18 PERDUE FOODS, LLC and COLEMAN
19 NATURAL FOODS, LLC,
20 Defendants.

CASE NO.: 3:17-cv-03502-JST
18-cv-02664-JST

Judge Jon S. Tigar
Courtroom 9 – 19th Floor

Mag. Judge Jacqueline Scott Corley
Courtroom F – 15th Floor

**JOINT STIPULATION TO EXTEND
DISCOVERY, EXPERT
DISCLOSURES AND DISPOSITIVE
MOTION DEADLINES**

Complaint filed: June 16, 2017
Trial date: February 4, 2019

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18 Attorneys for Defendant
19 PERDUE FOODS, LLC dba Coleman Natural Foods
20 (erroneously sued as Coleman Natural Foods, LLC)
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1 Plaintiff BARBARA PERRY (“Plaintiff”) and Defendant PERDUE FOODS, LLC
2 dba Coleman Natural Foods (erroneously sued as Coleman Natural Foods, LLC)
3 (“Defendant”), by and through their counsel of record, hereby jointly stipulate and
4 respectfully request that the Court extend the fact discovery deadline from July 6, 2018 to
5 October 8, 2018, expert disclosure from July 27, 2018 to October 29, 2018, expert
6 rebuttals from August 17, 2018 to November 9, 2018, and expert cut-off from August 31,
7 2018 to December 3, 2018, and the deadline to file dispositive motions from October 12,
8 2018 to December 17, 2018. Continuing these discovery and dispositive motion
9 deadlines will not impact the current court dates: (1) case management conference on
10 October 17, 2018, (2) pretrial conference on January 11, 2019, and (3) trial set for
11 February 4, 2019. In support of this stipulation, the parties state as follows:

12 WHEREAS, this Court entered its initial Pretrial Scheduling Order (“Scheduling
13 Order”) on September 20, 2017 (Docket number 28);

14 WHEREAS, Plaintiff propounded set one written discovery on October 25, 2017
15 and Defendant responded on January 28, 2018;

16 WHEREAS Defendant conducted Plaintiff’s deposition on January 16, 2018 and
17 the deposition of Brenda Richardson on January 30, 2018;

18 WHEREAS Plaintiff conducted the following witness depositions: (1) Barbara
19 Ridilla on January 10, 2018; (2) Barbara Davis on January 11, 2018; (3) Demetri Ware
20 on March 14, 2018; (4) James Ware on March 14, 2018; and (5) Taney Elliott on March
21 28, 2018;

22 WHEREAS, Plaintiff propounded set two of written discovery on June 5, 2018,
23 including the discovery of electronically stored information (ESI);

24 WHEREAS, Defendant propounded written discovery on June 6, 2018;

1 WHEREAS, the parties are meeting and conferring regarding the discovery and
2 may want to conduct further discovery following depositions;

3 WHEREAS, Plaintiff noticed and took the deposition of Defendant's former
4 Human Resources Manager, Barbara Ridilla, on January 10, 2018 via video because the
5 deponent was in Paraguay, South America for several months;

6 WHEREAS, the parties encountered technical difficulties during the deposition of
7 Ms. Ridilla and it had to be continued until a further date when Ms. Ridilla returned to
8 the United States;

9 WHEREAS, Ms. Ridilla's second deposition is set for June 25, 2018, in Denver,
10 Colorado, but needs to be continued to a time that is mutually convenient to all the parties
11 as the deponent and Defendant's counsel are not available. The parties are meeting and
12 conferring regarding a new date;

13 WHEREAS, the Federal Rule of Civil Procedure Rule 30(b)(6) deposition of
14 Defendant's Person Most Knowledgeable and Defendant's witness, Ryan Jacobson, are
15 set for July 6, 2018, but this date needs to be continued to a date when all the parties are
16 available as the deponents and Defendant's counsel are not available;

17 WHEREAS, the parties are meeting and conferring to set new dates for the
18 depositions of Barbara Ridilla, Ryan Jacobson and Defendant's Person Most
19 Knowledgeable;

20 WHEREAS, to date, the Parties have not requested an extension to conduct fact
21 discovery;

22 WHEREAS, the Parties agree that the current Scheduling Order does not allow the
23 Parties sufficient time to complete the FRCP 30(b)(6) depositions and witness
24 depositions by July 6, 2018 due to client and attorney unavailability, and the Parties
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anticipate the need for additional discovery following the depositions that is reasonably necessary for filing dispositive motions and preparing for trial;

WHEREAS, based on the progress of this case, an extension of the deadlines for completing fact discovery, disclosing expert witnesses, and filing dispositive motions will allow the Parties to engage in meaningful discovery and to adequately prepare to file dispositive motions and prepare for trial;

WHEREAS, the proposed extension of the deadlines for completing fact discovery and disclosing expert witnesses will not delay or prejudice the timely resolution of this case;

WHEREAS, Federal Rule of Civil Procedure 16(b)(4) requires good cause and judicial consent as prerequisites to modifying a scheduling order; and

WHEREAS, no extension of time has been previously sought by the Parties, and the requested extension will not affect the trial date in this case.

THEREFORE, THE PARTIES HEREBY STIPULATE to, and seek an order from this Court permitting the following new deadlines, with all other dates set forth in the Scheduling Order (Dkt. No. 28) remaining unchanged:

Event	Date
Fact discovery cut-off	October 8, 2018
Expert disclosures	October 29, 2018
Expert rebuttal	November 9, 2018
Expert discovery cut-off	December 3, 2018
Deadline to file dispositive motions	December 17, 2018

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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3 DATED: June 12, 2018

/s/ Tanya Tambling

4 Attorney for Plaintiff

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7 DATED: June 12, 2018

/s/ Erin W. Kendrella

8 Attorney for Defendant

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12 IT IS SO ORDERED.

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14 Dated: June 14, 2018



15 Hon. Jon S. Tigar

16 United States District Judge

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18 IT IS FURTHER ORDERED that, to accommodate the parties' stipulated dates, the trial is
19 continued to April 8, 2019; the pretrial conference is continued to March 15, 2019; and the
20 pretrial conference statement deadline is continued to March 8, 2019.
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